

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

JAYSON S. BENNETT,

Plaintiff,

v.

CIVIL ACTION NO. 5:23-cv-00097

JEHOVAH'S WITNESSES, *ET AL.*,

Defendants.

ORDER

Pending is the Plaintiff's *pro se* Complaint, filed on January 25, 2023, in the Southern District of New York [Doc. 1], and subsequently transferred to this District on February 7, 2023. [Doc. 9]. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on April 18, 2023. Magistrate Judge Aboulhosn recommended that the Court dismiss this action without prejudice for failure to prosecute following the Plaintiff's failure to pay the filing and administrative fee or submit an "Application to Proceed *in Forma Pauperis* or Without Prepayment of Fees." *See* Fed. R. Civ. P. 41(b); L. R. Civ. P. 41.1.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's

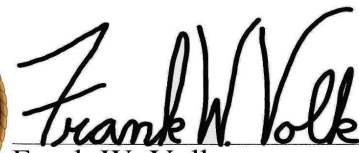
right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on May 5, 2023. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 14**] and **DISMISSES** this action **without prejudice**.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: June 20, 2023




Frank W. Volk
United States District Judge